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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,491	06/25/2003	Donald E. Weder	8403.917	3540
30589	7590	06/26/2006		
DUNLAP, CODDING & ROGERS P.C. PO BOX 16370 OKLAHOMA CITY, OK 73113				
			EXAMINER AHMAD, NASSER	
			ART UNIT 1772	PAPER NUMBER

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/603,491	WEDER, DONALD E.	
	Examiner	Art Unit	
	Nasser Ahmad	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11,13-21,23-30,33-52 and 54-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10,11,13-17,19-21,23-27,29,30,33-36,38-49,51,52,54-57 and 59-65 is/are rejected.
- 7) ☒ Claim(s) 3,9,18,28,37,50 and 58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 4/6/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patents 6387463, 6495248, 6565963, 6702919, 3723417 and copending application Nos. 09/929796, 10/390280 have been reviewed and is accepted. The terminal disclaimer have been recorded.

Rejection Maintained

2. Claim1-11, 13-21, 23-30 and 32-65 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-35 of copending Application No. 11/079953 for reasons of record made in the last Office Action

Response to Arguments

3. Applicant's arguments filed 4/6/2006 have been fully considered but they are not persuasive.

Applicant has failed to address the double patenting rejection over US application No. 11/079953 made in the last Office Action of 10/18/2005, paragraph-14 and hence the double patenting rejection is maintained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-8,-11, 13-17, 19-21, 23-27, 29-30, 32-36, 38-49, 51-57, 59-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magid (3560322).

Magid relates to a method comprising the step of providing at least one polymeric material having an upper surface and a lower surface, wherein at least a portion of one of the surfaces is modified to provide with a matte-finish. However, Magid fails to teach the step of selling and delivering the sheet to a customer. It would have been obvious to one having ordinary skill in the art to modify Magid by providing the step of selling and delivering the sheet to a customer in order for it to be used as a decorative material.

The matte finish can be provided with printing , embossing, texturing, etc.

The polymeric material can include a plurality of sheets (11, 12) formed into a roll of material (figure-1) or a pad ((figures 4-6).

One of the layers can be a foam (12) having a thickness as that of the plastic sheet (11), that is between 0.25 to 30 mils (col. 3, lines 5-10).

The sheets can be bonded with adhesive, which has its own color.

The phrase "wherein the customer wraps the sheet...matte finish" in claims 39-42, 60-61 has not been given any patentable weight because it is not directed to a step of the method.

Allowable Subject Matter

6. Claims 3, 9, 18, 28, 37, 50, 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach that the matte finish is provided by printing with matted ink or lacquering with matted lacquer, that one of the sheet has acrylic sealable lacquer disposed thereon .


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 6/22/06
Nasser Ahmad
Primary Examiner
Art Unit 1772

N. Ahmad.
June 22, 2006.